

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LAKQUAN D. SOLOMON,

Petitioner,

v.

PATRICK COVELLO,

Respondent.

No. 2:24-cv-0924-TLN-DMC-P

ORDER

Petitioner Lakquan D. Solomon (“Petitioner”), a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus under 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On May 19, 2025, the Magistrate Judge filed findings and recommendations which were served on the parties, and which contained notice that objections could be filed within fourteen (14) days. (ECF No. 22.) Petitioner filed timely objections to the findings and recommendations. (ECF No. 23.)

The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court[.]”). Having reviewed the file, including Petitioner’s objections, the Court finds the findings and


1 recommendations to be supported by the record and by the proper analysis.

2 Pursuant to Rule 11(a) of the Federal Rules Governing Section 2254 Cases, the Court has
3 considered whether to issue a certificate of appealability. Before Petitioner can appeal this
4 decision, a certificate of appealability must issue. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).
5 Where the petition is denied on the merits, a certificate of appealability may issue under 28
6 U.S.C. § 2253 “only if the applicant has made a substantial showing of the denial of a
7 constitutional right.” 28 U.S.C. § 2253(c)(2). The court must either issue a certificate of
8 appealability indicating which issues satisfy the required showing or must state the reasons why
9 such a certificate should not issue. *See* Fed. R. App. P. 22(b). Where the petition is dismissed on
10 procedural grounds, a certificate of appealability “should issue if the prisoner can show: (1) ‘that
11 jurists of reason would find it debatable whether the district court was correct in its procedural
12 ruling’; and (2) ‘that jurists of reason would find it debatable whether the petition states a valid
13 claim of the denial of a constitutional right.’” *Morris v. Woodford*, 229 F.3d 775, 780 (9th Cir.
14 2000) (quoting *Slack v. McDaniel*, 529 U.S. 473 (2000)). For the reasons set forth in the
15 Magistrate Judge’s findings and recommendations, the Court finds that issuance of a certificate of
16 appealability is not warranted in this case.

17 Accordingly, IT IS HEREBY ORDERED:

- 18 1. The findings and recommendations filed May 19, 2025, (ECF No. 22), are ADOPTED in
19 full;
- 20 2. The Petition for a Writ of Habeas Corpus, (ECF No. 11), is DENIED;
- 21 3. The Court DECLINES to issue a certificate of appealability;
- 22 4. The Clerk of the Court is directed to CLOSE this case.

23 Date: November 10, 2025

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26 TROY L. NUNLEY
27 CHIEF UNITED STATES DISTRICT JUDGE
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